

Resolution No.: 15-1218  
Introduced: November 8, 2005  
Adopted: November 15, 2005

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Amendment to Council Resolution 15-894: Comprehensive Amendment to the Comprehensive Solid Waste Management Plan

**Background**

1. State law (Sections 9-503 and 9-515, Environment Article, of the Maryland Code) requires the governing body of each County to adopt and submit to the Maryland Department of the Environment a ten-year plan dealing with solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste.
2. The Environment Article further requires each County to review its solid waste management plan at least every three years.
3. On June 16, 2004, the County Executive transmitted to the County Council a revised and updated comprehensive amendment to the Comprehensive Solid Waste Management Plan which sets forth the goals, policies, and plans for the management of solid waste in the County from 2004 through 2013.
4. A public hearing on the revised proposed comprehensive plan amendment was continued on October 5, 2004. The public hearing was held on October 12, 2004.
5. On February 8, 2005, the County Council adopted the Plan for the Years 2004 through 2013 by Resolution 15-894. The County transmitted the approved Plan for review by the Maryland Department of the Environment.
6. On August 25, 2005, the County Council received a letter from the Director of the Waste Management Administration of the Maryland Department of the Environment detailing changes to the Plan that would be required in order for the County's Plan to be approved.
7. County Council staff have consulted with County Executive staff and Maryland Department of the Environment staff and confirmed that the changes required by the Maryland Department of the Environment involve factual clarifications and do not affect policy issues addressed in the Plan as originally approved by the County Council in Resolution 15-894.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

The Comprehensive Solid Waste Management Plan for the Years 2004 through 2013 approved in Resolution 15-894 is modified as listed below and is approved with the following changes incorporated. The bold text indicates the changes required by the Maryland Department of the Environment. The changes approved by the County Council are underlined.

<b>A. Section 9-515(e) of the Environment Article, <u>Annotated Code of Maryland</u>, requires the County to submit, before conducting a public hearing on the Plan, its final draft plan to the Washington Suburban Sanitary Commission (WSSC) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) for recommendation. The Plan must include documentation that this was done to satisfy this requirement.</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 1-10 Section 1.3.3.1	Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan to M-NCPPC for their recommendations at least 30 days before the date set for the public hearing on the Plan.	Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan to M-NCPPC for their recommendations at least 30 days before the date set for the public hearing on the Plan. <u>The County Council requested M-NCPPC comments on June 28, 2004. M-NCPPC recommendations are listed in Appendix H. The Public Hearing was held on October 12, 2004.</u>
Page 1-10 Section 1.3.3.2	Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan for recommendation to WSSC at least 30 days before the date set for the public hearing on the Plan.	Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan for recommendation to WSSC at least 30 days before the date set for the public hearing on the Plan. <u>The County Council requested WSSC comments on June 28, 2004. WSSC recommendations are listed in Appendix H. The Public Hearing was held on October 12, 2004.</u>
<b>B. Page 3-4 is missing Footnote #2.</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 3-4 Section 3.1.1	(empty)	<sup>2</sup> <u>See Appendix B.</u>

<b>C. Page 3-17, Section 3.1.6, Paragraph 1, 2<sup>nd</sup> sentence is missing its concluding punctuation mark (presumably a period).</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 3-17 Section 3.1.6	Current detailed information on the County management of wastewater is available in the "2002 Draft Montgomery County Comprehensive Water Supply and Sewerage System Plan"	Current detailed information on the County management of wastewater is available in the "2002 Draft Montgomery County Comprehensive Water Supply and Sewerage System Plan."
<b>D. Page 3-41, Table 3.12 - This table must be amended to indicate that the operating status of the C&amp;D Recovery, LLC facility is now "active."</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 3-41 Table 3.12	<ul style="list-style-type: none"> <li>▪ Environmental Alternatives Reclamation, Inc.</li> <li>▪ permitted</li> <li>▪ Expected in weeks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Environmental Alternatives Reclamation, Inc.</li> <li>▪ permitted</li> <li>▪ <u>active</u></li> </ul>
<b>E. Page 3-42, Table 3.12 - The permit status given for the Site 2 landfill is incorrect. The application for a Refuse Disposal Permit (RDP) for this facility was completed, the RDP was issued, and the permit was renewed in 2002. It would be correct to note that an appeal of the permit issuance in Montgomery County Circuit Court is still pending and has been suspended indefinitely until such time as the County might decide to construct the facility. The current RDP number given for the facility is correct.</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 3-42 Table 3.12	<ul style="list-style-type: none"> <li>▪ Site 2 Landfill Site (in reservation) near Martinsburg Rd &amp; Wasche Rd Dickerson</li> <li>▪ Montgomery County</li> <li>▪ permit application suspended indefinitely 2002-WMF-0237<sup>11</sup></li> </ul> <p><sup>11</sup> MDE has issued a refuse disposal permit for this site. The County has suspended the development process and has joined a citizens group civil action to defer the appeal process until the County decides to proceed with construction of the landfill.</p>	<ul style="list-style-type: none"> <li>▪ Site 2 Landfill Site (in reservation) near Martinsburg Rd &amp; Wasche Rd Dickerson</li> <li>▪ Montgomery County</li> <li>▪ <u>permitted</u> 2002-WMF-0237<sup>11</sup></li> </ul> <p><sup>11</sup><u>An appeal of the permit issuance in Montgomery County Circuit Court is still pending and has been suspended indefinitely until such time as the County might decide to construct the facility.</u></p>
<b>F. Page 3-49, Section 3.3.1.6 and elsewhere - It is noted that the County has provided for contractual disposal capacity at a landfill in Brunswick County, Virginia, with backup capacity at a facility in Georgia. The contractual obligation extends until 2012 with a 5-year option for extension. It is noted that given the typical time for bidding and construction of large public works such as the Site 2 landfill, and the possibility of a lengthy legal appeal, it is recommended that negotiations for contract extension and replacement be initiated before the existing contract expires in 2012, and this should be reflected in Chapter 5. Also, in order to determine the potential reliability of these disposal sites, this Plan and future updates should provide a discussion of the status of the Brunswick landfill, including the available capacity of the dedicated cell used for Montgomery County waste, the permitting status of the facility, and the enforcement status.</b>		

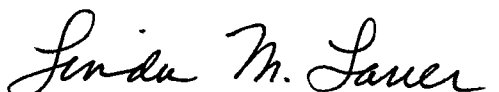
Location	Original	Proposed
Page 3-49 Section 3.3.1.6	The County's contract provides for disposal of County waste in a dedicated landfill cell reserved for County waste exclusively.	The County's contract provides for disposal of County waste in a dedicated landfill cell reserved for County waste exclusively. <u>All permits needed for this site are current and valid. The remaining capacity for the dedicated cell is 24 years at the current disposal rate from the County. The contract may be extended for five additional years under the existing contract terms, through 2017, at the County's option. There are no requirements for negotiations or additional obligations to extend the contract.</u>
Page 5-23 Section 5.2.1.5	The contract prohibits the storage, handling or disposal of any waste delivered by the County at any site or facility other than those explicitly approved by the County.	The contract prohibits the storage, handling or disposal of any waste delivered by the County at any site or facility other than those explicitly approved by the County. <u>All permits needed for this site are current and valid. The remaining capacity for the dedicated cell is 24 years at the current disposal rate from the County. The contract may be extended for five additional years under the existing contract terms, through 2017, at the County's option. There are no requirements for negotiations or additional obligations to extend the contract.</u>
<b>G. Page 4-22, the 1<sup>st</sup> sentence of the 1<sup>st</sup> paragraph of Section 4.2.7, Vehicle Tires, Current Conditions and Constraints, and the 1<sup>st</sup> sentence of the 2<sup>nd</sup> paragraph of Section 5.3.6.3, Scrap Tires, must be revised as follows: "... developed a scrap hire program for the management of scrap tires in Maryland."</b>		
Location	Original	Proposed
Page 4-22 Section 4.2.7	The State of Maryland developed a regional system for the collection and disposal of scrap tires.	The State of Maryland developed <u>a scrap tire program for the management of scrap tires in Maryland.</u>
Page 5-55 Section 5.3.6.3	The State of Maryland has developed a regional system for the collection and disposal of scrap tires.	The State of Maryland has developed <u>a scrap tire program for the management of scrap tires in Maryland.</u>
<b>H. Pages 4-22 and 5-55, the last sentence of the 1<sup>st</sup> paragraph of Section 4.2.7, Vehicle Tires, Current Conditions and Constraints, and the 3<sup>rd</sup> sentence of the 2<sup>nd</sup> paragraph of Section 5.3.6.3, Scrap Tires, must be revised as follows: County residents may drop off five or fewer scrap tires per year at the County's Transfer Station for recycling at a permitted facility. Please refer to COMAR 26.04.08.04A(2).</b>		

Location	Original	Proposed
Page 4-22 Section 4.2.7	County residents may drop off four or fewer scrap tires per visit at the County's Transfer Station for recycling at a State permitted facility.	County residents may drop off <u>five or fewer scrap tires per year at the County's Transfer Station for recycling.</u>
Page 5-55 Section 5.3.6.3	County residents may drop off four or fewer scrap tires per visit at the County's Transfer Station for recycling.	County residents may drop off <u>five or fewer scrap tires per year at the County's Transfer Station for recycling.</u>
<b>I. Page 4-43 - The "Needs Assessment" discusses events to occur during FY 2005, which concluded on June 30, 2005. This paragraph should be updated to reflect current conditions.</b>		
Location	Original	Proposed
Page 4-43 Section 4.3.2	...but the County will investigate the purchase of additional land for contingent Transfer Station capacity if it becomes available. As described in Section 5.2.1.1f, capital improvements to the Solid Waste Transfer Station have been undertaken to enhance both facility safety and customer service. In FY 2005, additional proposed capital improvements will address the need to plan and prepare the necessary infrastructure to maintain fundamental waste management services that will include (1) modification of the current Transfer Station facility to minimize large collection vehicles from conflicting with smaller vehicles; (2) increase efficiency of the weighing and dumping of incoming vehicles and the compaction and loading of containers for shipment from the site; (3) improve the throughput of vehicles through the scaling operation; and (4) evaluation of alternative sites for the possible movement of certain discrete waste operations that are presently handled at the Transfer Station site. The WSSC Board has approved the sale of the property to the County. The Executive will conduct an environmental assessment of the site, and may request funding for property acquisition as warranted.	...but the County will investigate the purchase of additional land to <u>possibly relocate its handling of yard trim/wood waste away from the Transfer Station site. As described in Section 5.2.1.1f, planning and preliminary design of capital improvements to the Solid Waste Transfer Station have been undertaken to enhance both facility safety and customer service. These potential capital improvements concentrate on infrastructure modifications to maintain fundamental waste management services that may include (1) modification of the current Transfer Station facility to better address the flow of large collection vehicles and smaller vehicles; (2) increase efficiency of the weighing and dumping of materials from incoming vehicles and the compaction and loading of containers for shipment from the site; (3) improve the throughput of vehicles through the scaling operation. The FY2007 County Capital Improvement Program (CIP) is currently being reviewed. The final decisions on construction will be made during that CIP review.</u>

<b>J. Page 5-7 - Delete the term “private” from Section 5.1.3.1f, Implementation, as the County is responsible for review and comment on RDP applications for both public and private refuse disposal systems.</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 5-7 Section 5.1.3.1	f. Reviews and comments on State solid waste refuse disposal permit applications, modifications, revisions and amendments for private solid waste facilities.	f. Reviews and comments on State solid waste refuse disposal permit applications, modifications, revisions and amendments for <u>solid</u> waste facilities.
<b>K. Page 5-55 - The 1st sentence of the last paragraph of Section 5.3.6.3, Scrap Tires, must be revised to read as follows: “The existing scrap tire system in Maryland should be . . .”</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 5-55 Section 5.3.6.3	The existing State-sponsored waste tire management system should be sufficient to handle County waste tire generation through the life of this plan.	The existing <u>scrap</u> tire system in Maryland should be sufficient to handle County <u>scrap</u> tire generation through the life of this plan.
<b>L. Page 4-22, Section 4.2.7, Vehicle Tires; Page 5-55, Section 5.3.6.3, Scrap Tires; and elsewhere in the Plan – It is recommended that the term “scrap tire” be used instead of “vehicle tire(s)” and “waste tire” where appropriate to accurately describe the status of these tires, and to match with the definition used in COMAR 26.04.08.02.B(17).</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 4-22 Section 4.2.7	The existing State waste tire management system has sufficient capacity to recycle waste tires generated in the County.	The existing State <u>scrap</u> tire management system has sufficient capacity to recycle <u>scrap</u> tires generated in the County.
Page 5-55 Section 5.3.6.3	...According to Table 3.6, approximately 9,310 tons of scrap vehicle tires were generated...	...According to Table 3.6, approximately 9,310 tons of <u>scrap</u> tires were generated...
<b>M. Page 5-26 - Replace the 3rd statement in Section 5.2.1.6(c) as follows: “The County has postponed indefinitely the construction of the landfill.” Also, amend the last statement in the same section to read as follows: “The County may commence construction of the landfill at any point in time as it determines that such action to be in the interest of public health, safety and welfare, in accordance with the terms and conditions of this landfill’s Refuse Disposal Permit, and any applicable court orders or consent orders.”</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 5-26 Section 5.2.1.6c	The County has suspended the permit process such that it can be resumed without repeating any of the completed stages.	The County has <u>postponed indefinitely the construction of the landfill.</u>

Page 5-26 Section 5.2.1.6c	The County may resume the permit processes at any point in time at which it determines such action to be in the interest of public health, safety and welfare.	The County may <u>commence construction of the landfill at any point in time as it determines that such action to be in the interest of public health, safety and welfare, in accordance with the terms and conditions of this landfill's Refuse Disposal Permit, and any applicable court orders or consent orders.</u>
<b>N. Tables 3.1, 3.2, and 3.10 must specify whether the tonnages are reported in calendar year or fiscal year.</b>		
<i>Location</i>	<i>Original</i>	<i>Proposed</i>
Page 3-1 Section 3.1	...each major category of solid waste.	...each major category of solid waste. <u>All years referred to in these tables are fiscal years, unless stated otherwise.</u>

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council